

## ORDER

Came on for consideration the application of plaintiff,
Robert Lee Earl, to proceed in forma pauperis on appeal. On
November 2, 2011, the United States Magistrate Judge issued his
proposed findings, conclusions, and recommendation that
plaintiff's application to proceed in forma pauperis on appeal be
denied because of the "three strikes" rule of 28 U.S.C. §

1915(g).¹ The Magistrate Judge granted the parties until
November 23, 2011, to file and serve objections. Because timely
objections have not been filed, the court accepts the proposed
findings, conclusions, and recommendation of the Magistrate
Judge.

<sup>&</sup>lt;sup>1</sup>Plaintiff is barred from proceeding <u>in forma pauperis</u> because he has incurred three qualifying dismissals, and in his application, he did not claim that he was "under imminent danger of serious physical injury" to satisfy the exception to 28 U.S.C. § 1915(g).

Therefore,

The court ORDERS that the application of plaintiff, Robert Lee Earl, to proceed in forma pauperis on appeal, be, and is hereby, denied.

SIGNED January 11, 2012.

HM MCBRYDE ited States District Judge